

Dear Senators BURTENSHAW, Adams, Semmelroth, and
Representatives MENDIVE, Shepherd, Burns:

The Legislative Services Office, Research and Legislation, has received the enclosed rules of the
Department of Fish and Game:

IDAPA 13.01.06 - Rules Governing Classification and Protection of Wildlife (ZBR Chapter Rewrite)
- Proposed Rule (Docket No. 13-0106-2301);

IDAPA 13.01.15 - Rules Governing the Use of Dogs (ZBR Chapter Rewrite) - Proposed Rule
(Docket No. 13-0115-2301).

Pursuant to Section 67-454, Idaho Code, a meeting on the enclosed rules may be called by the
cochairmen or by two (2) or more members of the subcommittee giving oral or written notice to Research
and Legislation no later than fourteen (14) days after receipt of the rules' analysis from Legislative
Services. The final date to call a meeting on the enclosed rules is no later than 11/03/2023. If a meeting is
called, the subcommittee must hold the meeting within forty-two (42) days of receipt of the rules' analysis
from Legislative Services. The final date to hold a meeting on the enclosed rules is 12/01/2023.

The germane joint subcommittee may request a statement of economic impact with respect to a
proposed rule by notifying Research and Legislation. There is no time limit on requesting this statement,
and it may be requested whether or not a meeting on the proposed rule is called or after a meeting has
been held.

To notify Research and Legislation, call 334-4854, or send a written request to the address on the
memorandum attached below.



Terri Kondeff
Director

Legislative Services Office

Idaho State Legislature

Serving Idaho's Citizen Legislature

MEMORANDUM

TO: Rules Review Subcommittee of the Senate Resources & Environment Committee and the House Resources & Conservation Committee
FROM: Deputy Division Manager - Katharine Gerrity
DATE: October 13, 2023
SUBJECT: Department of Fish and Game

IDAPA 13.01.06 - Rules Governing Classification and Protection of Wildlife (ZBR Chapter Rewrite) - Proposed Rule (Docket No. 13-0106-2301)

IDAPA 13.01.15 - Rules Governing the Use of Dogs (ZBR Chapter Rewrite) - Proposed Rule (Docket No. 13-0115-2301)

1. IDAPA 13.01.06 - Rules Governing Classification and Protection of Wildlife

Summary and Stated Reasons for the Rule

The Department of Fish and Game submits notice of proposed rule at IDAPA 13.01.06 - Rules Governing Classification and Protection of Wildlife. According to the department, this is a chapter rewrite consistent with the Governor's zero based regulation executive order. The department states that the rewrite removes most scientific names with the exception of those that must be identified due to season setting complications where certain members of certain families have different seasons and limits. The rule also leaves intact scientific names for native salmon, rainbow, cutthroat, and bull trout species for the benefit of ESA regulatory mechanisms.

Negotiated Rulemaking / Fiscal Impact

Negotiated rulemaking was conducted and there is no fiscal impact as a result of the rulemaking.

Statutory Authority

The rulemaking appears to be authorized pursuant to Sections 36-104 and 36-201, Idaho Code.

2. IDAPA 13.01.15 - Rules Governing the Use of Dogs

Summary and Stated Reasons for the Rule

Paul Headlee, Deputy Director Legislative Services Office	Matt Drake, Manager Research & Legislation	Keith Bybee, Manager Budget & Policy Analysis	April Renfro, Manager Legislative Audits	Norma Clark, Manager Information Technology
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Statehouse, P.O. Box 83720
Boise, Idaho 83720-0054

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The Department of Fish and Game submits notice of proposed rule at IDAPA 13.01.15 - Rules Governing the Use of Dogs. According to the department, this is a chapter rewrite consistent with the Governor's zero based regulation executive order. The department states that notable revisions include the addition of a reference to bobcat consistent with the Furbearer proclamation and clarification of the requirement for outfitters and the need for a hound hunter permit.

Negotiated Rulemaking / Fiscal Impact

Negotiated rulemaking was conducted and there is no fiscal impact as a result of the rulemaking.

Statutory Authority

The rulemaking appears to be authorized pursuant to Sections 36-103, 36-104, 36-409, and 36-1101, Idaho Code.

cc: Department of Fish and Game
Amber Worthington

***** PLEASE NOTE *****

Per the Idaho Constitution, all administrative rules may be reviewed by the Legislature during the next legislative session. The Legislature has 3 options with this rulemaking docket: **1)** Approve the docket in its entirety; **2)** Reject the docket in its entirety; or **3)** Reject the docket in part.

IDAPA 13 – DEPARTMENT OF FISH AND GAME

13.01.06 – RULES GOVERNING CLASSIFICATION AND PROTECTION OF WILDLIFE

DOCKET NO. 13-0106-2301 (ZBR CHAPTER REWRITE)

NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given this agency has initiated proposed rulemaking. The action is authorized pursuant to Sections 36-104(b) and 36-201, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 18, 2023.

In the event a hearing is scheduled, the hearing site will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

This rule is being presented for authorization as part of the IDFG plan to review each rule chapter every 5 years. This rulemaking established the classification and protection of wildlife. Consistent with the Governor's [Zero-Based Regulation Executive Order](#), the agency has revised current rule language to improve clarity and reduce duplication.

The proposed rulemaking removes most scientific names with the exception of the Genus'/species' that must be identified due to season setting complications where certain members of certain families have different seasons and limits. It also leaves intact scientific names for native salmon, rainbow, cutthroat, and bull trout species for benefit of ESA regulatory mechanisms.

FEE SUMMARY: There is no fee associated with this rule.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: There is no fiscal impact associated with this rulemaking.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(1), Idaho Code, a Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the April 7, 2023 Idaho Administrative Bulletin, [Vol. 22-4, page 15](#) under Docket No. 13-0111-2301. The Department received no feedback around this rulemaking.

INCORPORATION BY REFERENCE: This rulemaking contains no incorporation by reference.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions about the proposed rules, contact Amber Worthington, Deputy Director 208-334-3771.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 25, 2023.

DATED this 29th day of August, 2023.

Amber Worthington Deputy Director
Idaho Department of Fish and Game
600 S. Walnut Street
P.O. Box 25 Boise, ID 83707
Phone (208) 334-3771
Fax (208) 334-4885
Email: rules@idfg.idaho.gov

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 13-0106-2301
(ZBR Chapter Rewrite)

13.01.06 – RULES GOVERNING CLASSIFICATION AND PROTECTION OF WILDLIFE

000. LEGAL AUTHORITY.

Sections 36-104(b) and 36-201, Idaho Code, ~~authorize the Commission to adopt rules concerning the classification and protection of wildlife in the state of Idaho.~~ (3-31-22)()

001. ~~TITLE AND SCOPE.~~

~~The title of this chapter for citation is IDAPA 13.01.06, “Rules Governing Classification and Protection of Wildlife.”~~
These rules establish the classification and protection of wildlife. (3-31-22)()

002. – 099. (RESERVED)

100. CLASSIFICATION OF WILDLIFE – BIG GAME ANIMALS.

01. Black bear ~~—*Ursus americanus*.~~ (3-31-22)()

02. Bighorn sheep – *Ovis canadensis*, identified as “California bighorn sheep” when occurring south of Interstate 84 and as “Rocky Mountain bighorn sheep” when occurring north of Interstate 84. ()

03. Elk ~~—*Cervus canadensis*.~~ (3-31-22)()

04. Gray wolf ~~—*Canis lupus*.~~ (3-31-22)()

05. Grizzly bear ~~—*Ursus arctos*.~~ (3-31-22)()

06. Moose ~~—*Alces americanus*.~~ (3-31-22)()

07. Mountain goat ~~—*Oreamnos americanus*.~~ (3-31-22)()

08. Mountain lion ~~—*Puma concolor*.~~ (3-31-22)()

09. Mule deer ~~—*Odocoileus hemionus*.~~ (3-31-22)()

10. Pronghorn ~~—*Antilocapra americana*.~~ (3-31-22)()

11. White-tailed deer ~~—*Odocoileus virginianus*.~~ (3-31-22)()

101. CLASSIFICATION OF WILDLIFE – UPLAND GAME ANIMALS.

01. Mountain cottontail ~~—*Sylvilagus nuttallii*.~~ (3-31-22)()

02. Pygmy rabbit ~~—*Brachylagus idahoensis*.~~ (3-31-22)()

03. Snowshoe hare ~~—*Lepus americanus*.~~ (3-31-22)()

04. Red squirrel ~~—*Tamiasciurus hudsonicus*.~~ (3-31-22)()

102. CLASSIFICATION OF WILDLIFE – GAME BIRDS.

Game birds include upland game birds, migratory game birds, and American crow. ()

01. Upland Game Birds. ()
- a. Pheasants: *Phasianus sp.*, including ring-necked pheasant (*P. cochicus*). ()
- b. Partridge: gray (Hungarian) partridge – *Perdix perdix*; chukar – *Alectoris sp.* ()
- c. Quail: northern bobwhite – *Colinus virginianus*; California quail – *Callipepla californica*; mountain quail – *Oreortyx pictus*; and Gambel’s quail – *Callipepla gambelii*. ()
- d. Grouse: Dusky (blue) grouse – *Dendragapus obscurus*; ruffed grouse – *Bonasa umbellus*; spruce grouse – *Falci pennis canadensis*; Greater sage grouse – *Centrocercus urophasianus*; and sharp-tailed grouse – *Tympanuchus phasianellus*. “Forest grouse” means dusky grouse, ruffed grouse, and spruce grouse. ()
- e. Wild turkey – *Meleagris gallopavo*. ()
02. Migratory Game Birds. ()
- a. American coot – *Fulica americana*. ()
- b. Doves: mourning dove – *Zenaida macroura* and white-winged dove – *Zenaida asiatica*. ()
- c. Ducks: members of the *Anatidae* family other than geese and swans, including bufflehead – *Bucephala albeola*; canvasback – *Aythya valisineria*; gadwall – *Mareca strepera*; Barrow’s goldeneye – *Bucephala islandica*; common goldeneye – *Bucephala clangula*; harlequin duck – *Histrionicus histrionicus*; mallard – *Anas platyrhynchos*; common merganser – *Mergus merganser*; hooded merganser – *Lophodytes cucullatus*; red-breasted merganser – *Mergus serrator*; long-tailed duck – *Clangula hyemalis*; northern pintail – *Anas acuta*; redhead – *Aythya americana*; ring-necked duck – *Aythya collaris*; ruddy duck – *Oxyura jamaicensis*; greater scaup – *Aythya marila*; lesser scaup – *Aythya affinis*; northern shoveler – *Spatula clypeata*; blue-winged teal – *Spatula discors*; cinnamon teal – *Spatula cyanoptera*; green-winged teal – *Anas crecca*; American wigeon – *Mareca americana*; Eurasian wigeon – *Mareca penelope*; and wood duck – *Aix sponsa*. ()
- d. Geese: members of the *Anatidae* family other than ducks and swans, including Canada goose – *Branta canadensis* (“Canada goose” to include cackling goose – *Branta hutchinsii*); Ross’s goose – *Anser rossii*; snow goose – *Anser caerulescens*; and greater white-fronted goose – *Anser albifrons*. ()
- e. Swans: members of the *Anatidae* other than ducks and geese, including Trumpeter swan – *Cygnus buccinator*; and Tundra swan – *Cygnus columbianus*. ()
- f. Wilson's snipe – *Gallinago delicata*. ()
- g. Sandhill Crane – *Antigone canadensis*. ()
03. American Crow – *Corvus brachyrhynchos*. ()
103. CLASSIFICATION OF WILDLIFE – GAME FISH. ()
Game fish includes the following fish and crayfish: ()
01. American shad – ~~*Alosa sapidissima*~~. (3-31-22)()
02. Arctic grayling – ~~*Thymallus arcticus*~~. (3-31-22)()
03. Atlantic salmon – ~~*Salmo salar*~~. (3-31-22)
04. Bear Lake whitefish – ~~*Prosopium abyscicola*~~. (3-31-22)()
05. Black bullhead – ~~*Ameiurus melas*~~. (3-31-22)()

- ~~065.~~ Black crappie—*Pomoxis nigromaculatus*. (3-31-22)()
- ~~076.~~ Blue catfish—*Ictalurus furcatus*. (3-31-22)()
- ~~08.~~ ~~Blueback trout~~—*Salvelinus alpinus oquassa*. (3-31-22)
- ~~097.~~ Bluegill and hybrid with pumpkinseed—*Lepomis macrochirus*, including hybrid with pumpkinseed. (3-31-22)()
- ~~108.~~ Bonneville cisco—*Prosopium gemmifer*. (3-31-22)()
- ~~1109.~~ Bonneville whitefish—*Prosopium spilonotus*. (3-31-22)()
- ~~120.~~ Brook trout—*Salvelinus fontinalis*. (3-31-22)()
- ~~131.~~ Brown bullhead—*Ameiurus nebulosus*. (3-31-22)()
- ~~142.~~ Brown trout—*Salmo trutta*. (3-31-22)()
- ~~153.~~ Bull trout—*Salvelinus confluentus*. (3-31-22)()
- ~~164.~~ Burbot—*Lota lota*. (3-31-22)()
- ~~175.~~ Channel catfish—*Ictalurus punctatus*. (3-31-22)()
- ~~186.~~ Chinook salmon (land locked) – *Oncorhynchus tshawytscha*, residing in waters that prohibit migration to the ocean and back. (3-31-22)()
- ~~197.~~ Coho salmon – *Oncorhynchus kisutch*. ()
- ~~2018.~~ Crayfish – *Pacifastacus sp.* ()
- ~~2419.~~ Cutthroat trout – *Oncorhynchus clarkii*, including subspecies Bonneville cutthroat trout – *O. clarkii utah*, Lahontan cutthroat trout – *O. clarkii henshawi*, Westslope cutthroat trout – *O. clarkii lewisi*, and Yellowstone (including “finespotted”) cutthroat trout – *O. clarkii bouvieri*. ()
- ~~220.~~ Flathead catfish—*Pylodictis olivaris*. (3-31-22)()
- ~~231.~~ Golden trout—*Oncorhynchus aguabonita*. (3-31-22)()
- ~~242.~~ Green sunfish—*Lepomis cyanellus*. (3-31-22)()
- ~~253.~~ Kokanee – *Oncorhynchus nerka kennerlyi* (not anadromous). ()
- ~~264.~~ Lake trout—*Salvelinus namaycush*. (3-31-22)()
- ~~275.~~ Lake whitefish—*Coregonus clupeaformis*. (3-31-22)()
- ~~286.~~ Largemouth bass—*Micropterus salmoides*. (3-31-22)()
- ~~297.~~ Mountain whitefish—*Prosopium williamsoni*. (3-31-22)()
- ~~3028.~~ Northern pike—*Esox lucius*. (3-31-22)()
- ~~3129.~~ Pumpkinseed—*Lepomis gibbosus*. (3-31-22)()

- ~~320.~~ Pygmy whitefish—*Prosopium coulterii*. (3-31-22)()
- ~~331.~~ Rainbow trout – *Oncorhynchus mykiss*, including redband trout – *O. mykiss gairdneri*. ()
- ~~342.~~ Rainbow/cutthroat trout (cutbow) – *O. mykiss* x *O. clarkii* hybrid. ()
- ~~353.~~ Sauger—*Sander canadensis*. (3-31-22)()
- ~~364.~~ Smallmouth bass—*Micropterus dolomieu*. (3-31-22)()
- ~~375.~~ Splake—*S. namaycush* x *S. fontinalis*. (3-31-22)()
- ~~36.~~ **Sunapee trout.** ()
- ~~38.~~ **Sockeye salmon**—*Oncorhynchus nerka* (anadromous). (3-31-22)
- ~~39.~~ **Steelhead trout**—*Oncorhynchus mykiss* (anadromous). (3-31-22)
- ~~4037.~~ Tiger Trout—*Salmo trutta* x *Salvelinus fontinalis*. (3-31-22)()
- ~~4138.~~ Tiger muskie—*Esox lucius* x *E. masquinongy*. (3-31-22)()
- ~~4239.~~ Walleye—*Sander vitreus*. (3-31-22)()
- ~~430.~~ Warmouth—*Lepomis gulosus*. (3-31-22)()
- ~~441.~~ White crappie—*Pomoxis annularis*. (3-31-22)()
- ~~452.~~ White sturgeon—*Acipenser transmontanus*. (3-31-22)()
- ~~463.~~ Yellow bullhead—*Ameiurus natalis*. (3-31-22)()
- ~~474.~~ Yellow perch—*Percia flavescens*. (3-31-22)()

104. CLASSIFICATION OF WILDLIFE – ANADROMOUS GAME FISH.

Anadromous game fish include members of the Onchorynchus family that migrate to the ocean as a juvenile and return to freshwater.

- 01. Chinook salmon – *Oncorhynchus tshawytscha*** ()
- 02. Coho salmon – *Oncorhynchus kisutch*** ()
- 03. Sockeye salmon – *Oncorhynchus nerka*** ()
- 04. Steelhead trout – *Oncorhynchus mykiss*** ()

1045. CLASSIFICATION OF WILDLIFE – FURBEARING ANIMALS.

01. American badger—*Taxidea taxus*. (3-31-22)()
02. American marten—*Martes americana*. (3-31-22)()
03. American mink—*Vison vison*. (3-31-22)()
04. Beaver—*Castor canadensis*. (3-31-22)()
05. Bobcat—*Lynx rufus*. (3-31-22)()

06. Canada lynx—~~*Lynx canadensis*~~. (3-31-22)()
07. Common muskrat—~~*Ondatra zibethicus*~~. (3-31-22)()
08. Fisher—~~*Pekania pennanti*~~. (3-31-22)()
09. Northern river otter—~~*Lontra canadensis*~~. (3-31-22)()
10. Pacific marten—~~*Martes caurina*~~. (3-31-22)()
11. Red fox – *Vulpes vulpes* (all color phases). ()
1056. – 149. (RESERVED)
150. THREATENED OR ENDANGERED SPECIES.
151. – 199. (RESERVED)
200. PROTECTED NONGAME SPECIES.
01. Mammals. ()
- a. American pika—~~*Ochotona princeps*~~. (3-31-22)()
- b. Bats – all species. ()
- c. Chipmunks – *Tamias spp.* ()
- d. Columbia Plateau ground squirrel – *Urocitellus canus*. ()
- e. Golden-mantled ground squirrel – *Callospermophilus lateralis*. ()
- f. Great Basin ground squirrel – *Urocitellus mollis*. ()
- g. Kit fox—~~*Vulpes macrotis*~~. (3-31-22)()
- h. Wolverine—~~*Gulo gulo*~~. (3-31-22)()
- i. Northern Idaho ground squirrel – *Urocitellus brunneus*. ()
- j. Northern flying squirrel—~~*Glaucomys sabrinus*~~. (3-31-22)()
- k. Rock squirrel – *Otospermophilus variegatus*. ()
- l. Southern Idaho ground squirrel – *Urocitellus endemicus*. ()
- m. Woodland caribou—~~*Rangifer tarandus caribou*~~. (3-31-22)()
- n. Wyoming ground squirrel – *Urocitellus elegans nevadensis*. ()
02. Birds. All native species, except game birds. ()
03. Amphibians. All native species. ()
04. Reptiles. All native species. ()

05. Fish. ()
- a. Bear Lake sculpin—~~Cottus extensus~~. (~~3-31-22~~)()
 - b. Northern leatherside chub—~~Lepidomeda copei~~. (~~3-31-22~~)()
 - c. Pacific Lamprey—~~Entosphenus tridentatus~~. (~~3-31-22~~)()
 - d. Sand roller—~~Pereopsis transmontana~~. (~~3-31-22~~)()
 - e. Shoshone sculpin—~~Cottus greenei~~. (~~3-31-22~~)()
 - f. Wood River sculpin—~~cottus leiopomus~~. (~~3-31-22~~)()
 - g. Bluehead sucker—~~Catostomus discobolus~~. (~~3-31-22~~)()
201. **PREDATORY WILDLIFE.**
Predatory wildlife are defined in Section 36-201, Idaho Code. ()
202. – 249. (RESERVED)
250. **UNPROTECTED WILDLIFE.**
Unprotected Wildlife includes all wildlife not classified in the preceding categories. ()
251. – 299. (RESERVED)
300. **PROTECTION OF WILDLIFE.**
- 01. **Game Species.** Those species of wildlife classified as Big Game Animals, Upland Game Animals, Game Birds, Migratory Birds, Game Fish/Crustacea, or Furbearing Animals may be taken only in accordance with Idaho law ~~and Commission rules~~. (~~3-31-22~~)()
 - 02. **Protected Nongame and Threatened or Endangered Species.** No person may take or possess those species of wildlife classified as Protected Nongame, or Threatened or Endangered at any time or in any manner, except as provided in Idaho Code (including Sections 36-106(e), and 36-1107), and Commission rules. Protected Nongame status is not intended to prevent unintentional take of these species, protection of personal health or safety, limit property and building management, or prevent management of animals to address public health concerns or agricultural damage. ()
 - 03. **Unprotected and Predatory Wildlife.** Those species of wildlife classified as Unprotected Wildlife and Predatory Wildlife may be taken in any amount, at any time, and in any manner, by holders of the appropriate valid Idaho hunting, trapping, fishing, or combination license, provided such taking is not otherwise in violation of federal, state, county, or city laws, rules, ordinances, or regulations. ()
301. – 999. (RESERVED)

IDAPA 13 – DEPARTMENT OF FISH AND GAME

13.01.15 – RULES GOVERNING THE USE OF DOGS

DOCKET NO. 13-0115-2301 (ZBR CHAPTER REWRITE)

NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given this agency has initiated proposed rulemaking. The action is authorized pursuant to Section(s) 36-103, 36-104, 36-409, and 36-1101, Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 18, 2023.

In the event a hearing is scheduled, the hearing site will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

This rule is being presented for authorization as part of the IDFG plan to review each rule chapter every 5 years. This rulemaking concerns the use of dogs in taking wildlife and use of game birds in field training dogs in Idaho. Consistent with the Governor's [Zero-Based Regulation Executive Order](#), the agency has revised current rule language to improve clarity and reduce duplication.

Notable revisions in this rulemaking include the addition of a reference to bobcat consistent with the Furbearer proclamation and clarification of the requirement for outfitters and the need for a Hound Hunter Permit.

FEE SUMMARY: There is no fee associated with this rule.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: There is no fiscal impact associated with this rulemaking.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(1), Idaho Code, a Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the April 7, 2023 Idaho Administrative Bulletin, [Vol. 23-4, page 23](#) under Docket No. 13-0115-2301. The Department received feedback around nonresident hound hunter permits and was asked that the limit remain the same. Consistent with the existing rule and the request, the Department does not propose changing the permit cap.

INCORPORATION BY REFERENCE: This rulemaking contains no incorporation by reference.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions about the proposed rules, contact Sal Palazzolo, 208-334-3700.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 25, 2023.

DATED this 29th day of August, 2023.

Amber Worthington Deputy Director
Idaho Department of Fish and Game
600 S. Walnut Street
P.O. Box 25 Boise, ID 83707
Phone (208) 334-3771
Fax (208) 334-4885
Email: rules@idfg.idaho.gov

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 13-0115-2301
(ZBR Chapter Rewrite)

13.01.15 – RULES GOVERNING THE USE OF DOGS

000. LEGAL AUTHORITY.

Sections 36-104, 36-409, and 36-1101, Idaho Code, ~~authorize the Commission to adopt rules concerning the use of dogs in taking wildlife, use of game birds in field training, and related permitting.~~ (3-31-22)()

001. TITLE AND SCOPE.

~~The title of this chapter for citation is IDAPA 13.01.15, “Rules Governing the Use of Dogs.”~~ These rules govern the use of dogs in taking wildlife and use of game birds in field training dogs in Idaho. (3-31-22)()

002. -- 009. (RESERVED)

010. DEFINITIONS.

~~IDAPA 13.01.06, “Rules Governing Classification and Protection of Wildlife,” defines upland game animals, upland game birds, and migratory game birds.~~ (3-31-22)

01. Licensed Outfitter. ~~An~~ Outfitter with a valid license issued under Title 36, Chapter 21, Idaho Code. (3-31-22)()

02. Licensed Guide. ~~A~~ Guide with a valid license issued under Title 36, Chapter 21, Idaho Code. (3-31-22)()

03. Unarmed Observers. ~~An~~ Unarmed person who is not the owner or controller of pursuit dogs and who accompanies a hunt without intent to take or harvest an animal. (3-31-22)()

04. Unqualified Idaho Resident. ~~A~~ Person who has moved into Idaho, and by notarized affidavit proves intent to become a bona fide Idaho resident but who is not yet qualified to purchase a resident license. (3-31-22)()

011. -- 099. (RESERVED)

100. USE OF DOGS.

No person may use dogs for taking wildlife, except for the following wildlife under the following conditions: ()

01. Upland Game Animals, Upland Game Birds, and Migratory Game Birds. A dog may be used for training on or hunting upland game animals, game birds, and ~~migratory~~ game birds. (3-31-22)()

~~02. Black Bear, Mountain Lion, Bobcat, and Fox—Taking. Dogs may be used for taking black bear, mountain lion, bobcat, and fox in a take season open for the species, unless the Commission prohibits dog use in the area by proclamation. (3-31-22)~~

~~03. Black Bear, Mountain Lion, Bobcat, and Fox—Hunting and Training/Pursuit Only. A Dogs dog may be used for to hunt, training on and pursuit pursue only (no harvest) of black bear, mountain lion, bobcat, and fox, in a dog training season open for the species, unless such use is prohibited by the Commission prohibits dog use in the area by proclamation. A big game tag valid for the calendar year that has been filled is still valid for training/pursuit only of the species. In seasons identified for these species in proclamation as “Dog Training” or “Pursuit Only”, dogs may be used for pursuit and treeing only, and these species may not be captured, killed, or possessed. Outside of the bobcat take season, bobcats may be pursued and treed, but may not be captured, killed, or~~

possessed. (3-31-22)()

043. Blood Trailing of Big Game. ~~The u~~Use of one (1) blood-trailing dog controlled by leash during hunting hours and within seventy-two (72) hours of hitting a big game animal is allowed to track animals and aid in recovery. (3-31-22)()

054. Unprotected and Predatory Wildlife. A dog may be used for training on or taking unprotected and predatory wildlife. ()

101. -- 199. (RESERVED)

200. HOUND HUNTER PERMIT.

01. Hound Hunter Permits. ()

a. The following persons must have a valid hunting license and Hound Hunter Permit in possession when any dog is being used to hunt, including training or pursuit only, black bear, mountain lion, bobcat, and fox: ()

i. Anyone who owns the dog. ()

ii. Anyone having control of the dog if owned by another person. ()

iii. Anyone that harvests an animal over dogs, except clients of licensed outfitters in the licensed outfitting area, provided the licensed outfitter or guide accompanying the client has a Hound Hunter Permit. (3-31-22)()

b. A permit is not transferable EXCEPT, ~~a~~ licensed outfitters ~~s~~ may convey the authority of ~~his~~ their Hound Hunter Permit to a nonresident licensed guide operating for ~~him~~ them, provided the nonresident guide has a copy of the outfitter's Hound Hunter Permit in possession. (3-31-22)()

c. A permit is valid from January 1 through December 31 of each year. ()

02. Exceptions. A person owning or using a dog only for blood trailing does not need a hound hunter permit. An unarmed observer does not need a hunting license or hound hunter permit. ()

03. Limit on Hound Hunter Permits for Nonresidents. No more than seventy (70) nonresident hound hunter permits will be issued to nonresident hunters. Sales of nonresident Hound Hunter Permits to the following persons are exempt from this limit: ()

a. ~~A n~~Nonresident licensed outfitter(s) or guide(s), provided the permit is not used for personal hunting. (3-31-22)()

b. ~~An u~~Unqualified Idaho resident(s). (3-31-22)()

c. ~~Persons~~Nonresidents who ~~hound~~ hunt solely in ~~the Middle Fork Zone (Units 20A, 26, and 27)~~ a game management zone or unit for which the Commission has adopted a separate limit for hound hunter permits, in which cases those limits will apply to the number of nonresidents. (3-31-22)()

~~d.~~ Persons who hound hunt solely in the Lolo Zone (Units 10 and 12). (3-31-22)

~~e.~~ Persons who hound hunt solely within the Selway Zone (Units 16A, 17, 19, and 20), for which no more than forty (40) nonresident permits will be issued for Units 16A, 19, 20, and all of Unit 17, excluding Hunt Area 17-1, for which no more than six (6) nonresident permits will be issued. Hunt Area 17-1 is that portion of Unit 17 south of the following boundary: Beginning at the junction of the Unit 17 boundary and Forest Service Trail 24, then west along Forest Service Trail 24 to the Selway River, then north along the Selway River to Forest Service Trail 40, then southwest along Forest Service Trail 40 to Forest Service Trail 3, then along Forest Service Trail 3 to the Unit 17

~~boundary.~~ (3-31-22)

04. Nonresident Applications. ()

a. To be eligible for a controlled draw for limited nonresident permits, a nonresident must submit a ~~legible~~, complete application ~~for a hound hunter permit~~ on the form prescribed by the Department such that it is received at the Department's main office by no later than December 1 of the year preceding the year in which the permit is to be valid. (3-31-22)()

b. No person may submit more than one (1) application for a Hound Hunter Permit. ()

c. Two nonresidents may apply for two (2) permits on the same application form. ()

d. If nonresident ~~tags~~ permits are available after the application period, they will be available for purchase at any Department office on a first-come, first-served basis ~~on or after~~ starting around December 10. (3-31-22)()

201. -- 299. (RESERVED)

300. ~~BIRD DOG TRAINING AND FIELD TRIALS BY INDIVIDUALS USING ARTIFICIALLY~~ USE OF CAPTIVELY PROPAGATED GAME BIRDS.

IDAPA 13.01.10.500, "Rules Governing Importation, Possession, Release, Sale, or Salvage of Wildlife," apply to anyone who possesses, releases, or uses artificially propagated game birds for field training dogs. No person may conduct bird-dog field training or trial with the use of captively propagated game birds unless that person has a valid Bird Dog Training Permit or Bird Dog Field Trial Permit corresponding to the activity, and complies with permit terms. ()

~~**01. Bird Dog Training.** No person may conduct bird-dog field training with the use of artificially propagated game birds unless all of the following conditions are met:~~ (3-31-22)

~~**a.** The owner of any dog being field trained has a valid Bird Dog Training Permit (obtainable at Department Offices), and has the permit available for inspection at the training site.~~ (3-31-22)

~~**b.** Artificially propagated game birds used for training purposes on Wildlife Management Areas are certified as disease free under the standards set forth by the National Poultry Improvement Program (NPIP).~~ (3-31-22)

~~**c.** The permittee is in compliance with permit terms.~~ (3-31-22)

~~**02. Bird Dog Field Trials.** No person may conduct or own a dog participating in a bird-dog field trial using artificially propagated game birds unless all of the following conditions are met:~~ (3-31-22)

~~**a.** There is a valid Bird Dog Field Trial Permit (obtainable at Department Offices) available for inspection at the field trial site.~~ (3-31-22)

~~**b.** Artificially propagated game birds used for training purposes are certified as disease free under the standards set forth by the National Poultry Improvement Program (NPIP).~~ (3-31-22)

~~**c.** Proof of lawful game-bird origin is available for inspection at the field trial site.~~ (3-31-22)

~~**d.** The permittee is in compliance with permit terms.~~ (3-31-22)

301. -- 999. (RESERVED)